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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,103	07/14/2003	Junichi Ishizuka	F-7859	5800
28107 7590 05/01/2008 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168				
EXAMINER				
DEGHAN, QUEENIE S				
ART UNIT		PAPER NUMBER		
1791				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/619,103	Applicant(s) ISHIZUKA, JUNICHI
Examiner Queenie Dehghan	Art Unit 1791

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): 112 first paragraph rejections.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 2, 5-8 and 11-47.
Claim(s) withdrawn from consideration: 3 and 4.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Steven P. Griffin/
Supervisory Patent Examiner, Art Unit 1791

Continuation of 11. does NOT place the application in condition for allowance because: The applicant argues that there is no reason to alter the shapes of the molding cores of Budinski, especially to be shaped like the molding core of Shimizu. The applicant alleges that the shape of the molding cores of Budinski is different from that of Shimizu. This appears to be mere allegation, since none of the figures (fig 5, 7 or 9) of the Budinski molding cores give a complete picture of how the molding cores are shaped. As presented in the previous rejection, Budinski was relied upon to teach a molding surface with depressions or projections. Shimizu was relied upon to teach a restrictor and the arrangement of the restrictor for them to work, that is the platform created on the second molding die to support them; hence making it obvious to modify the overall shapes and arrangements of the molding cores with multiple depressions of Budinski in order to accommodate the desired restrictor for prevention of the inclination of the molding die surfaces. Budinski was not used to teach an inclination problem, but instead Shimizu teaches an improvement for producing optical elements with high accuracy by using a restrictor. The applicant also argues that restrictor and sliding parts of Shimizu would interfere with the induction heating coil of Budinski. This appears to be mere allegation with no evidence. Furthermore, the heating coils of Budinski are not an element that is claimed or discussed in any of the rejections.

Furthermore, the applicant argues the amount of glass material utilized in Budinski. This appears to be an assumption that is unsupported. In figure 6, it is clear that the web containing the array microlenses exceeds beyond just the peripheral band of microlenses, which implies more than then necessary amount of glass material is utilized and would be inclined to require restrictors. Furthermore, the applicant alleges that excess glass would create a pressure differential. There is no evidence to support this and the amount of excess glass that might cause the alleged pressure differential is not quantified.

The applicant alleges that the spaces 5A and 5B in the figures of the Shimizu reference would affects the optical performance of the periphery of a lens. It is unclear how this is so, since it appears the excess glass in 5A and 5B are not in the optical area of the lenses. Regarding Takagi, the applicant argues that Budinski discloses compression to a positive stop. There is no evidence to contradict the use of a flange on the molding core for creating the positive stop.